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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,518	08/27/2001	Paul Walter Baier	449122009400	4278

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER

TRAN, KHANH C

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 04/13/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/889,518

Applicant(s)

BAIER ET AL.

Examiner

Khanh Tran

Art Unit

2631

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5, 8-13, 16-22 and 27.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of **5** NOTE:

In response to Applicant's arguments on claimed subject matter (1) "obtaining quantitative information about received user signals", the relative signal strength indicator (RSSI) measured at the RF transceiver (see figure 1), as taught by Smith et al., anticipates the claimed quantitative information about received user signals since the signal is transmitted by a user. Whether or not the user signals being a training sequence, known signals, "valid data", as argued by the Applicant, have not been recited in the claim.

In response to Applicant's arguments on claimed subject matter (2) "obtaining quantitative information about the received interference signal from the received signal and the quantitative information about the received user signals". As recited above, the measured RSSI anticipates the claimed quantitative information about received user signals. In column 4 line 65 through column 5 line 3, Smith et al. further teaches the BER and the RSSI are two interference indication signals being measured at the RF transceiver in figure 1. The measured two interference indication signals inherently address the claimed "obtaining quantitative information about the received interference signal". Applicant fails to recite in the claim how the information is obtained in a way similar to the claimed invention as argued.

In response to Applicant's arguments on claimed subject matter (3) "generating a directional pattern from the information about the received interference signal", in column 4 line 65 through column line 3, the adaptive antenna implements a beam steering algorithm that is based on two interference indication signals BER and RSSI, which correspond to the claimed information about the received interference signal. The beam steering circuit as taught by Smith et al. enables the antenna to achieve spatial selectivity, to focus, and to converge on one of the users and rejects signals from all other users in the environment. Hence, a directional pattern is inherently generated based on the two interference indication signals. Applicant's arguments on obtaining directly a directional pattern is not recited in the claim. The claimed step only recites "generating a directional pattern from the information about the received interference signal", which is anticipated by Smith et al. teachings.

In response to Applicant's arguments on claimed subject matter (4) "generating this directional pattern for transmission", after achieving spatial selectivity on the user, the transceiver transmits data at high rate. Hence, Smith et al. teachings teaches the claimed step. Applicant stated nowhere does Smith mention steering the antennas for better transmission, on the contrary, Smith et al. discloses, in column 10, lines 39-48, the beam steering circuit enables the antenna to achieve spatial selectivity, to focus, and to converge on one of the users and reject signals from all other users in the environment. Unequivocally, Smith et al. inherently teaches steering the antenna for better transmission/reception.

TESTA DET BOCURE
PATENT EXAMINER